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SZILÁGYI et al.

Attorney Docket No. EMRI-002

REMARKS

Claims 1-5 and 7-21 are pending. Claim 10 finds support in original claims 1-3; claim 11 in original claim 2; claim 12 in original claim 4; claim 13 in the specification at page 3, lines 8-15; claim 14 at page 3, lines 23-30; claim 15 at page 4, lines 27-28; claim 16 at page 5, lines 27-28; claim 17 at page 5, lines 26-27; claim 18 in original claim 5; claim 19 in original claim 6; claim 20 in original claim 7; and claim 21 in original claim 8.

The solution according to the invention is a possible adaptation of the original pin game and a game of skill at the same time. The spherical coupling according to the invention is designed in such a way that it is able to ensure not only the movability of the table in any direction, but the automatic fixing of the table as well, when the desired position is reached. This is very important, because the player sets the table in the desired position after starting the game. That is, the player first spins the spinning top member, and then sets the table before the spinning top member reaches the start line. If he/she fails to do so, the game is invalid. Therefore it is very important for the applied spherical coupling to meet the following 3 conditions: 1) the table shall be easy to move, 2) fixed automatically, and 3) shall stay in the desired position while the spinning top member travels across the playing field.

A claim is anticipated under 35 U.S.C. 102 only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference (MPEP 2131).

Under 35 U.S.C. 103, the scope and content of the prior art are to be determined; the differences between the prior art and the claims in issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved (MPEP 2141). Against this background, the obviousness or nonobviousness of the subject matter is determined. (Id.) In considering the differences between the prior art and the claimed invention, the question is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious (MPEP 2141.02). Objective evidence or secondary considerations such as unexpected results, commercial success, long-felt need, failure of others, copying by others, licensing and skepticism of experts are relevant to the issue of obviousness must be considered in every case in which they are present (MPEP 2141.01).

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Claims 1 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Rardon (US 3,857,562). Applicant respectfully traverses this rejection. The bowling game apparatus of Rardon et al. is comprised of a playing board 11, a pin setting plate 12, adjustable legs 13, a guide arm 14 pivotally connected to one end of the playing board, and a ball rolling and guide device 15 intended for use in the rolling of the ball 16 in the desired direction at the desired speed along the playing board to strike the bowling pins 17 (column 2, lines 38-44). To adjust the level of the playing board 11 relative to the **horizontal** support surface, leg members 37 are adjusted by selecting a desired aperture 38 and then aligning the same with pin 36 **before the beginning the game** (column 3, lines 24-28). Rardon et al. fails to disclose a whirling top or a globe head and shell setting device. See, in particular, new claim 10.

Claims 1 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bayer (US 2,048,915). Applicant respectfully traverses this rejection. The apparatus of Bayer (column 1, lines 3-4) as a whole is so mounted as to swivel **in a horizontal plane** around the pivot 23 only. Thus, Bayer also fails to disclose a whirling top or a globe head and shell setting device.

Claims 1, 2, 5, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Laszlo (US 3,934,880). Applicant respectfully traverses this rejection. Laszlo (column 2, lines 26-65) describes a playing surface 10 structure for a spinning top pin game. The aim of Laszlo is to provide a diagonally tiltable playing surface structure for a spinning top pin game adapted to be set at a predetermined angle of downward slope making possible the predictable playing of rebound shots of the spinning top member 14 (turbo player unit) from side wall rebound cushion surfaces 18 or members defining the perimeter of the playing surface 10. Two diagonally opposite legs 19 extend an equal distance downwardly from the playing surface and at the other pair of diagonally opposite corners of the playing surface are provided adjustable legs 21 to define a predetermined angle describing a diagonal slope for the playing surface at right angles to the diagonal line 23 extending between the fixed legs 19. The predetermined angle is defined by a conventional centre bubble-leveling device 24. The leveling device 24 enables the same precise angle of slope to be achieved **before the beginning of the game**, thus to reproduce the conditions of the playing surfaces. Thus, Laszlo fails to disclose a globe head and shell setting device designed and fashioned to hold the lane plate in a constant position after its tilting and setting during game play. See, in particular, new claim 16.

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Claims 1 and 3-9 are rejected under 35 U.S.C. 103(a) as being obvious in view of the combination of King (US 1,215,033), Wilson (US 1,502,365) and Constant (US 2,247,769). Applicant respectfully traverses this rejection. In the pivotal support of King (column 1, lines 28-30) the cap 14 is free to tilt universally upon the point of the center-piece 18 **from beginning to end of the game**. In the construction of Wilson (column 2, lines 56-61) disclosed there is provided a stand 1, and a frame 2 mounted upon the stand 1 by universal joint 3 which permits the frame 2 and the parts carried thereby to be manipulated in any direction without moving the stand from **beginning to the end of the game**. **None of the afore-mentioned joints can be fixed**. Therefore if any one of these solutions is combined with the bowling alley according to **Constant**, the produced apparatus won't work. Only the presently claimed design advantageously allows for the lane plate to be held in a constant position after its tilting and setting during game play. Moreover, none of those references discloses a whirling top. Therefore, the presently claimed invention would not have been obvious in view of the cited references.

Applicant encloses a substitute Declaration herewith.